

RECEIVED  
USDC, WESTERN DISTRICT OF LA  
ROBERT H. SHERWELL, CLERK  
DATE 4/27/06  
GB

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

GENE RICHARD ORTIZ

CIVIL ACTION NO. 05-1463

VS.

SECTION P

VILLE PLATTE CITY JAIL, ET AL.

CHIEF JUDGE HAIK

MAGISTRATE JUDGE HILL

JUDGMENT OF DISMISSAL

Having given notice to plaintiff of this court's intention to dismiss this action without prejudice under F.R.C.P. 41(b) and 16(f) for plaintiff's failure to amend his complaint as ordered by the court on January 27, 2006, and having received no response to this court's minute entry allowing the plaintiff time to show cause for his failure to comply, this court finds that plaintiff's action is subject to dismissal under F.R.C.P. 41(b) and 16(f). Such dismissals may be done *sua sponte* in accordance with the court's inherent power to control its own docket. See, *Link v. Wabash Railroad Company*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406 (5th Cir. 1995); *Natural Gas Pipeline Co. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1407 (5th Cir. 1993); and *Rogers v. Kroger Company*, 669 F.2d 317, 320-321 (5th Cir. 1983).

Accordingly, it is ORDERED that this action be and it hereby is DISMISSED WITHOUT PREJUDICE.

THUS DONE AND SIGNED in Chambers at Lafayette, Louisiana, this 27<sup>th</sup> day of

April, 2006.

Richard T. Haik  
RICHARD T. HAIK  
UNITED STATES DISTRICT JUDGE